

1 HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 COSTCO WHOLESALE CORPORATION,

10 Plaintiff,

11 v.

12 AU OPTRONICS CORPORATION, et al.,

13 Defendants.

CASE NO. C13-1207RAJ
ORDER

14 This matter comes before the court on Defendants' motion for leave to file two
15 pretrial motions. For all of the reasons stated in the court's May 28, 2014 minute order
16 (Dkt. # 470), that motion comes much too late. Defendants sat silently until May 22,
17 despite the court's explicit instruction to request additional pretrial motions long ago.
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19 The court concludes, however, that the issues that Defendants hope to raise in their
20 motions are legal issues that the court will have to address before the entry of judgment in
21 this case. Accordingly, the court imposes a briefing schedule for those motions. Because
22 briefing will conclude much later than the court would have permitted had Defendants
23 timely requested leave to file those motions, Defendants should not expect a ruling
24 substantially in advance of trial. Indeed, the court may not rule on the motions until trial
25 has already begun, or perhaps even until trial has concluded. In other words, the parties
26 should plan for trial as if those motions will not be granted. Any party hoping for a
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1 ruling sooner ought to ensure that its briefing demonstrates why a ruling from the court is
2 of importance to the party's trial preparation.

3 In making this ruling, the court suggests no opinion on the arguments Plaintiff
4 made in its opposition to Defendants' motion, including arguments as to whether
5 Defendants waived the right to raise these issues by failing to do so in the MDL court,
6 and whether the MDL court's rulings are dispositive of these issues.

7 The briefing schedule is as follows. Defendants may file two motions on the
8 topics listed in the pending motion, each of no more than 18 pages, no later than June 23.
9 Plaintiff may file two oppositions, subject to the same page limit, no later than noon on
10 July 14. Defendants' optional reply briefs of 9 pages or fewer are due no later than July
11 18. Defendants shall note their motions for July 18.

12 The clerk shall TERMINATE Defendants' motion for leave to file those motions.
13 Dkt. # 467.

14 Dated this 16th day of June, 2014.

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18 The Honorable Richard A. Jones
19 United States District Court Judge
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